

**From:** Bayle Shanks  
**To:** Microsoft ATR  
**Date:** 12/9/01 4:44pm  
**Subject:** Microsoft Settlement

I feel that the proposed settlement neither effectively prevents Microsoft from continuing monopolistic practices, nor substantially punishes them for what they have already done. I urge the Government to immediately retract this offer.

First of all, any settlement needs to deal with more than just Microsoft intimidating OEMs into not using competitors. The issue of open APIs, open file formats, and open services is critical. I find it disturbing that, as I have heard,

" Section III(J)(2) contains some very strong language against not-for-profits. Specifically, the language says that it need not describe nor license API, Documentation, or Communications Protocols affecting authentication and authorization to companies that don't meet Microsoft's criteria as a business: "... (c) meets reasonable, objective standards established by Microsoft for certifying the authenticity and viability of its business, ..."

I believe at a very minimum, any settlement with MS should make the interfaces to all these things totally public (NOT just licensed to COMMERCIAL entities).

Second of all, the term is too short. I would press for a ten year term at the least.

Third, the committee designed to oversee MS does not have sufficient investigative power, and none of its members should be appointed by MS.

Fourth, there is nothing to punish MS for its wrongs so far. MS has made far too much money off its predatory practices. I urge heavy fines against MS. One way to appropriately give these fines back to the public would be to give them to the free software movement.

Thank you for your time,  
bayle